

REMARKS

Claims 1, 2, 4, 6-13, 19-22, 24, 25, and 29-33 are pending in this application, and have been appealed. Claims 1, 2, 4, 6-8, 11-13, 19-22, 29-31, and 33 are rejected; claims 10, 24, 25, and 32 are allowed.

As a preliminary note, Applicants gratefully note the allowance of claims 10, 24, 25, and 32.

As to rejected claims 1, 2, 4, 6-8, 11-13, 19-22, 29-31, and 33, Applicants continue to traverse their rejection for the reasons of record, and believe that all of the pending claims are in condition for allowance.

It appears that the Office responded to Applicants filing of an Appeal Brief by reopening prosecution **without following the procedure set forth in MPEP § 1207.04**. In particular, the Office should have used Form Paragraph 12.187, which **requires a signature from a Supervisory Primary Examiner**, to indicate that prosecution was being reopened, and that new grounds of rejection were being applied (if that were the case).

Applicants request that the Office promptly indicate, using the appropriate procedure as set forth in the MPEP, whether prosecution is being re-opened in this matter, and new grounds of rejection applied.

If new grounds of rejection are not being applied, then Applicants request the prompt issuance by the Office of an Examiner's Reply so that this matter may be sent to the Board of Patent Appeals for resolution.

CONCLUSION

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **53-1953**.

Respectfully submitted,

DURECT CORPORATION



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David J. Abraham

Reg. No.: 39,554

Direct: (408)777-4914

2 Results Way
Cupertino, CA 95014
Phone: (408) 777-1417
Fax: (408)777-3577